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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/807,196

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Naoto Kinjo

Q78011

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11/30/2006

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EXAMINER

SAIN, GAUTAM

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/807,196	Applicant(s) KINJO, NAOTO	
	Examiner Gautam Sain	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 5, 6 and 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1) This is a Final rejection in response to the arguments and new claims filed on 9/12/2006.
- 2) Claims 1, 3, 4, 5, 6 and 12-31 are pending. Claims 2, 4 and 7-11 were cancelled.
- 3) Effective filing date is 3/25/2003.
- 4) Examiner withdraws the rejection under 35 USC 101.

Claim Rejections - 35 USC § 102

- 5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 5-1) **Claims 1, 3, 4, 5, 6 and 12-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilcock et al (US 6741864, filed Feb 20, 2001).**

Regarding independent claim 1, Wilcock teaches *article identification means*. For example, Wilcock discloses associating image and location data (title), that provides location stamping of digital photos and contains meta data records with fields, where one of the fields is a Photo ID which is a unique photo ID provided by the album program and can be made up of a load batch number assigned for each session of downloading data from a camera and a number-in-batch identifying the photo from others in the same batch (col 4, lines 38-53).

Wilcock teaches *related information input means and a message recording means*. For example, Wilcock discloses other meta data fields such as camera ID, user ID, album ID and description that is either supplied automatically by the camera or is added by the user (col 4, lines 38-54). The meta data are downloaded to a PC where the album program serves to store the photos in a photo store. The meta data is stored in the meta data database (col 3, lines 55-63; see Fig 1, items 3 and 8; Fig 3, items 8, 9 and 10).

Wilcock does not expressly say the literal word teach "*article*", but does teach the concept of the article as Wilcock's photos are images that are interpreted as articles. The Examiner interprets the claimed literal word "*article*" to mean just "a thing" and Wilcock's photos are "a thing".

Regarding independent claim 3, Wilcock teaches *position information acquisition means*. For example, Wilcock discloses associating image and location data (title), that provides location stamping of digital photos and contains meta data records with fields, where one of the fields is a Photo ID which is a unique photo ID provided by the album program and can be made up of a load batch number assigned for each session of downloading data from a camera and a number-in-batch identifying the photo from others in the same batch (col 4, lines 38-53).

Wilcock teaches *related information input means and a message recording means*. For example, Wilcock discloses other meta data fields such as camera ID, user ID, album ID and description that is either supplied automatically by the camera or is added by the user (col 4, lines 38-54). The meta data are downloaded to a PC where

the album program serves to store the photos in a photo store. The meta data is stored in the meta data database (col 3, lines 55-63; see Fig 1, items 3 and 8; Fig 3, items 8, 9 and 10).

Wilcock does not expressly say the literal word teach "*article*", but does teach the concept of the article as Wilcock's photos are images that are interpreted as articles. The Examiner interprets the claimed literal word "article" to mean just "a thing" and Wilcock's photos are "a thing".

Regarding independent claim 5, Wilcock teaches *photographic means*. For example, Wilcock discloses associating image and location data (title), that provides using a camera to take image recordings/photos (col 2, lines 27-28).

Wilcock teaches *an integrated circuit tag sensor; photography instructions means*. For example, Wilcock discloses location-tagged digital photographs with map-based digital photograph albums in association with taking each of the image recordings using a mobile device that associates with a mobile radio infrastructure that is separate from the camera to provide location data indicative of the location at which the image recording was taken using GPS technology (col 2, lines 48-54; col 1, line 22 shows GPS; col 1, lines 49-52);

Wilcock teaches *position information recognition means*. For example, Wilcock discloses associating image and location data (title), that provides location stamping of digital photos and contains meta data records with fields, where one of the fields is a Photo ID which is a unique photo ID provided by the album program and can be made up of a load batch number assigned for each session of downloading data from a

camera and a number-in-batch identifying the photo from others in the same batch (col 4, lines 38-53).

Wilcock teaches *related information input means and a message recording means*. For example, Wilcock discloses other meta data fields such as camera ID, user ID, album ID and description that is either supplied automatically by the camera or is added by the user (col 4, lines 38-54). The meta data are downloaded to a PC where the album program serves to store the photos in a photo store. The meta data is stored in the meta data database (col 3, lines 55-63; see Fig 1, items 3 and 8; Fig 3, items 8, 9 and 10).

Wilcock does not expressly say the literal word teach "content", but does teach the concept of the content as Wilcock's photos are images that are interpreted as content. The Examiner interprets the claimed literal word "content" to mean just "a thing" and Wilcock's photos are "a thing".

Regarding independent claim 6, Wilcock teaches *detection means; position information recognition means*. For example, Wilcock discloses associating image and location data (title), that provides location stamping of digital photos and contains meta data records with fields, where location data is provided with the photo by camera (col 4, lines 58-59), where the location data can be derived from a GPS system by using information obtained from a cellular radio system (col 1, lines 22-24). The album enables a user to view their photographs through a map-based interface where the photos are represented on a displayed map by a marker indicating the location they were taken (col 3, lines 63-67).

Wilcock teaches *related information input means and a message recording means*. For example, Wilcock discloses other meta data fields such as camera ID, user ID, album ID and description that is either supplied automatically by the camera or is added by the user (col 4, lines 38-54). The meta data are downloaded to a PC where the album program serves to store the photos in a photo store. The meta data is stored in the meta data database (col 3, lines 55-63; see Fig 1, items 3 and 8; Fig 3, items 8, 9 and 10).

Wilcock does not expressly say the literal word teach "*message*", but does teach the concept of the message as Wilcock's photos are images that are interpreted as message. The Examiner interprets the claimed literal word "message" to mean just "a thing" and Wilcock's photos are "a thing".

Regarding claims 12, 15, 20 and 23, Wilcock teaches wherein the individual article is a physical object. For example, each photo is a physical object because it is physically stored in a photo store database, which is accessible (col 3, lines 58-63). Wilcock's photos can be film photos and digital photos, where film photos are physical because they can be developed to paper photos and digital photos can be physical because they are stored in the database upon taking the shot and then can be printed using any digital printer (col 12, line 52).

Regarding claims 13, 16, 21, 24, Wilcock teaches wherein the individual article is a tangible photograph. For, example, each photo is a physical object because it is physically stored in a photo store database, which is accessible (col 3, lines 58-63). Wilcock's photos can be film photos and digital photos, where film photos are physical

because they can be developed to paper photos and digital photos can be physical because they are stored in the database upon taking the shot and then can be printed using any digital printer (col 12, line 52).

Regarding claims 14, 17, 25, Wilcock teaches an article identification means with a camera or sensor to identify the a physical object and related information input means from user that is related to the physical object. For example, a user takes a photo using the cell phone that causes the cell phone to determine it's location by itself or by using the location server (col 11, lines 18-26). A log of location data on each photo is built as the meta data record held in a database, including a short title and description of the photo provided by the user (col 4, lines 38-65; fig 4).

Regarding independent claim 26, Wilcock teaches obtaining identification information of a tangible recording medium; inputting a message comprising information related to the tangible recording medium; correlating the input message to the tangibly recording medium; and recording by a computer the input message together with the identification information of the tangible recording medium. For example, a user takes a photo using the cell phone that causes the cell phone to determine it's location by itself or by using the location server (col 11, lines 18-26). A log of location data on each photo is built as the meta data record held in a database, including a short title and description of the photo provided by the user (col 4, lines 38-65; fig 4). The examiner equates the short title as a message input by the user that is attached to the photograph (which can be a film or digital photo).

Regarding claim 27, Wilcock teaches obtaining identification information of a tangible recording medium; inputting a message comprising information related to the tangible recording medium; correlating the input message to the tangibly recording medium; and recording by a computer the input message together with the identification information of the tangible recording medium. For example, a user takes a photo using the cell phone that causes the cell phone to determine it's location by itself or by using the location server (col 11, lines 18-26). A log of location data on each photo is built as the meta data record held in a database, including a short title and description of the photo provided by the user (col 4, lines 38-65; fig 4). The examiner equates the short title as a message input by the user that is attached to the photograph (which can be a film or digital photo).

Regarding claims 18, 28, Wilcock teaches storing at least two messages corresponding to specific positions on the same physical object identified by information acquisition means. For example, a user takes a photo using the cell phone that causes the cell phone to determine it's location by itself or by using the location server (col 11, lines 18-26). A log of location data on each photo is built as the meta data record held in a database, including a short title and description of the photo provided by the user (col 4, lines 38-65; fig 4). Col 4, lines 40-67 show a number of meta data items that are stored with each photo for providing information on each photo, some items are provided by the camera (ie., date/time) and some items are provided by a user (ie., short title and description).

Regarding claim 19, Wilcock teaches the specific position n a the physical object is pointed to with a user pointing device and wherein the position information acquisition means identifies the specific position pointed to by the user pointing device. The examiner interprets the specific pointing device as a mouse pointer on a user interface to allow user to input control commands to the computer, where the displayed pointed can physically interface with a user using a mouse or a standard stylus accompanying any PDA or even a user touch-screen interface. Accordingly, Wilcock's meta data maintains a record on location data and that enables user to view their photos through a map-based interface, the photos represented on a display map by a marker indicating the location they were taken (col 3, lines 48-67).

Regarding claim 22, Wilcock teaches the content recording medium is a physical object storing content, where the photographing means is a camera that photographs the physical object, wherein, when the integrated circuit tag of the physical object is detected, the integrated circuit tag sensor communicates with the photography instruction means, wherein the position information recognition means identifies a specific position on the image of the physical object, wherein said specific position was pointed to on the physical object, by a user device and where the storage is a computer-readable medium. For example, a user takes a photo using the cell phone that causes the cell phone to determine it's location by itself or by using the location server (col 11, lines 18-26). A log of location data on each photo is built as the meta data record held in a database, including a short title and description of the photo provided by the user (col 4, lines 38-65; fig 4). Col 4, lines 40-67 show a number of meta data items that are

stored with each photo for providing information on each photo, some items are provided by the camera (ie., date/time) and some items are provided by a user (ie., short title and description). The mobile phone has the ability to store a location log that continually monitors location for a user to selectively trigger location determination in order to log the locations of photos taken (col 11, lines 60-65). Upon location data being passed from cell phone, the association functionality receives the location data and associates it with the last photo taken (col 10, lines 1-7). At another time, the album program enables users to catalogue and view their photos through a map-based interface, the photos being represented on a displayed map by a marker indicating the location they were taken (col 3, line 64-67).

Regarding claim 27, Wilcock teaches obtaining of the identification information comprises identifying a specific position on the medium and the correlating of the input message comprises associating the input message to the specific position the medium. For example, the photo system is provided with a location determining means that is used to generate photos with image data being stamped with the location data indicating where the photo was taken (photo metadata) and this enables users to view their photos through a map-based interface where the photos are represented on a display map by a marker indicating the location where they were taken (col 3, lines 48-67).

Regarding claim 29, Wilcock teaches adding another message for the same identified specific position of the tangibly recording medium; and editing an existing message corresponding to the identified specific position, wherein the tangible recording medium

is unmodified from said adding and editing of the messages. For example, a user takes a photo using the cell phone that causes the cell phone to determine it's location by itself or by using the location server (col 11, lines 18-26). A log of location data on each photo is built as the meta data record held in a database, including a short title and description of the photo provided by the user (col 4, lines 38-65; fig 4). While the meta data fields are being input by the use (such as title and description), the photo does not get altered. The details of the photo can be further edited (col 6, lines 35-37).

Regarding claim 30, Wilcock teaches detecting presence of the tangible recording medium by the sensor, when the presence of the tangible recording medium is detected by the sensor, capturing, by the camera, the tangibly object with a particular position being specified on the tangible recording medium, where the particular position is pointed to by a user device, identifying the captured tangible recording medium, and detecting the particular position on the tangible recording medium, and generating the identification information of the tangible recording medium based on the identified tangibly recording medium and the detected particular position; said inputting of the message comprising inputting a new message comprising said information related to the detected particular position on the tangibly recording medium. For example, a user takes a photo using the cell phone that causes the cell phone to determine it's location by itself or by using the location server (col 11, lines 18-26). A log of location data on each photo is built as the meta data record held in a database, including a short title and description of the photo provided by the user (col 4, lines 38-65; fig 4). Col 4, lines 40-67 show a number of meta data items that are stored with each photo for providing information on each

photo, some items are provided by the camera (ie., date/time) and some items are provided by a user (ie., short title and description). The mobile phone has the ability to store a location log that continually monitors location for a user to selectively trigger location determination in order to log the locations of photos taken (col 11, lines 60-65). Upon location data being passed from cell phone, the association functionality receives the location data and associates it with the last photo taken (col 10, lines 1-7). At another time, the album program enables users to catalogue and view their photos through a map-based interface, the photos being represented on a displayed map by a marker indicating the location they were taken (col 3, line 64-67).

Regarding claim 31, Wilcock teaches at least two messages comprising said information related to the detected particular position on the tangible object are associated with the same detected particular position. Upon location data being passed from cell phone, the association functionality receives the location data and associates it with the last photo taken (col 10, lines 1-7). At another time, the album program enables users to catalogue and view their photos through a map-based interface, the photos being represented on a displayed map by a marker indicating the location they were taken (col 3, line 64-67).

Response to Arguments

Applicant's arguments filed 9/12/2006 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues against the rejection regarding the examiner interpreting the claimed article as "a thing" (remarks, page 14, top). The examiner

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disagrees because the purpose of the examiner's abstract description of an article is to show that the functionality desired in the claim can be applied to an abstract idea (ie., a thing). The pivotal point of the rejection was to reject the functionality of the claim because "an article" is not an inventive concept. According to the Applicant's logical example, the applicant argues that the examiner is considering a banana as equivalent to an apple just because they are both fruits. The examiner disagrees and clarifies his position using this analogy because the examiner's is characterizing the claimed "article" as a fruit (and not a banana) because the claimed "article" can be broadly interpreted as a generic fruit and is not limited to being an apple. Accordingly, the examiner is rejecting the functionalities desired in the claim which can be performed on any article (analogous to any fruit). For example (and using applicant's analogy), the functionality of cutting can be applied to any fruit (eg., an apple can be cut, a banana can be cut, ...) and accordingly, the functionalities claimed can be applied to any "thing" where an article is nothing more than an abstract thing.

Applicant argues that Wilcock fails to teach identifying a physical item (page 14, bottom). The examiner asserts that a physical item is not claimed in claim 1. Regarding claim 3, Applicant argues that Wilcock fails to teach identifying a specific position on the image and linking that specific position with related information because Wilcock teaches only the entire image is linked (page 15, mid). The examiner disagrees. Fig 6 shows objects along the sides that are attached to specific locations on the map (item 61) in the middle.

Regarding claim 5, Applicant argues that there is no disclosure of photographing the content recording medium. The examiner disagrees because Wilcock teaches photographing, which is an activity that can be applied to any object (col 10, line 42).

Applicant argues that Wilcock does not teach an integrated circuit tag being affixed to the photo. The examiner asserts that the claim does not claim that the tag is affixed to the photo. Wilcock does teach a location-tagged digital photograph with map-based digital photos (col 1, line 49-50).

Regarding claim 6, Applicant argues that Wilcock does not teach the content recording medium. The examiner disagrees. The album program enables a user to catalogue photos through a map-based interface where the photos are displayed by a marker indicating the location they were taken (col 3, lines 64-67). Applicant argues against the rejection regarding the examiner interpreting the claimed article as "a thing" (remarks, page 14, top). The examiner disagrees because the purpose of the examiner's abstract description of an article is to show that the functionality desired in the claim can be applied to an abstract idea (ie., a thing). The pivotal point of the rejection was to reject the functionality of the claim because "an article" is not an inventive concept

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GS
GS 11/27/06


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